

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

In Re: Traci Rusaw
Case No. 20-10796-BAH
Chapter 13
Debtor

MOTION TO DISMISS

NOW COMES LAWRENCE P. SUMSKI, Trustee in the above-cited case, and Moves to Dismiss, stating as follows:

1. The debtor's proposed Plan is not feasible in that she testified at her Meeting of Creditors on October 15, 2020 that the information presented on Schedules I and J is accurate, namely that she does not work and her current disposable income is in the shown amount of negative \$1,003.00.

2. The Plan uses arbitrary future high payments to pay the expected mortgage arrearage of nearly \$50,000.00 over 36 months, but unless circumstances change substantially that will not be possible.

3. After discussion at the Meeting of Creditors, the undersigned agreed to put the hearing on the instant Motion off until January 8, 2021 to see if the debtor will be able to receive a mortgage modification or some other relief which will in fact make the Plan feasible.

4. The debtor has failed to complete the required Affidavit of Debtor Regarding Domestic Support Obligations and Domicile, Equity, and Litigation Status.

5. The debtor has failed to provide the required § 341 Meeting review documents, namely:

- to include in the Plan an allegation that she is not required to file a return due to the lack of taxable income
- proof of value of her real property
- proof of insurance on her real property
- the requisite number of pre-petition bank statements, specifically for the period between July 4, 2020 and September 4, 2020 for the Edward Jones account, Santander account #1580, and Santander account #2050

6. The debtor has failed to make timely payments pursuant to the terms of her proffered Plan, causing an unreasonable delay which is prejudicial to creditors.

7. Specifically, as of the date of this motion, the status of the plan payment obligation is as follows:

Total Plan payments due	<u>500.00</u>
Total Plan payments made	<u>0.00</u>
Payment arrearage	<u>500.00</u>

There have been no payments made.

WHEREFORE, the undersigned Chapter 13 Trustee Moves as follows:

- A. That the case be Dismissed for cause pursuant to § 1307.
- B. For such other and further relief as may be just.

Respectfully submitted,

Dated: October 20, 2020

/s/ Lawrence P. Sumski
Lawrence P. Sumski
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